

ORDINANCE NO. R- 2014-26

TAX CODE(S) 82-05-34-018-149.019-025

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA,  
MORE COMMONLY KNOWN AS 4112 Broadway Ave, Evansville  
(Here insert common address)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO  
WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

Lots One (1) and Two (2) in Block Seventeen (17) in Industrial Addn, an Addition to the City of Evansville, as per plat thereof, recorded in Plat Book G, Page 136 and 137, in the Office of the Recorder of Vanderburgh County, Indiana.

by changing the zoning classification of the above-described real estate from C-1 to C-4, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the Office of the Recorder of Vanderburgh County, Indiana on FEB 17, 2015 as Instrument No 2015R00003546 No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this 9 day of February, 2015.

[Signature]  
President

ATTEST:

[Signature]  
City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the 11 day of February, 2015.

[Signature]  
City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 12th day of FEBRUARY, 2015, at 9am o'clock .M.

[Signature]  
Mayor of the City of Evansville Indiana

THIS INSTRUMENT PREPARED BY: Edward W Johnson  
Johnson Carroll Norton Kent & Goedde, PC  
Telephone 812-425-4466

**FILED**

NOV 07 2014

[Signature]  
CITY CLERK

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned Rebecca L Craft Petitioner, is the owner of certain real estate situated in the City of Evansville, Indiana, commonly described as (Address) 4112-4114 Broadway Ave, Evansville which real estate is more particularly described as follows, to wit

Lots One (1) and Two (2) in Block Seventeen (17) in Industrial Addn, an Addition to the City of Evansville, as per plat thereof, recorded in Plat Book G, Page 136 and 137, in the Office of the Recorder of Vanderburgh County, Indiana.

WHEREAS as the real estate is currently classified as a(n) C-1 Zoning district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS Petitioner has requested that the Real Estate be reclassified to zoning district C-4 ; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following:

Use Group 5

Use Group 7

Use Group 8, excluding liquor stores, paint stores, indoor archery range, bar, dance/meeting hall or party house, nightclub, pool/billiard room, tavern/restaurant serving alcohol, automotive service station (gas), shopping center, hotel/motel

Use Group 9, excluding off track betting, riverboat gambling

Use Group 10


Use Group 11, excluding outdoor archery range, miniature golf/golf range, tennis court

EXCLUDING all of Use Group 19 and Use Group 21

NO outside storage for any property use.

2. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

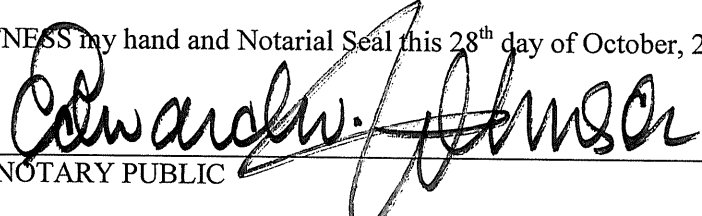
IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 28<sup>th</sup> day of October, 2014 by Rebecca L Craft for the purpose set forth herein.

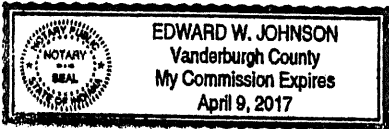
  
\_\_\_\_\_  
Rebecca L Craft

STATE OF INDIANA                     )  
                                                      ) SS:  
COUNTY OF VANDERBURGH        )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Rebecca L Craft, who acknowledged the execution of the foregoing Use and Development Commitment by the Corporation to be its free voluntary act and deed.

WITNESS my hand and Notarial Seal this 28<sup>th</sup> day of October, 2014.

  
\_\_\_\_\_  
NOTARY PUBLIC

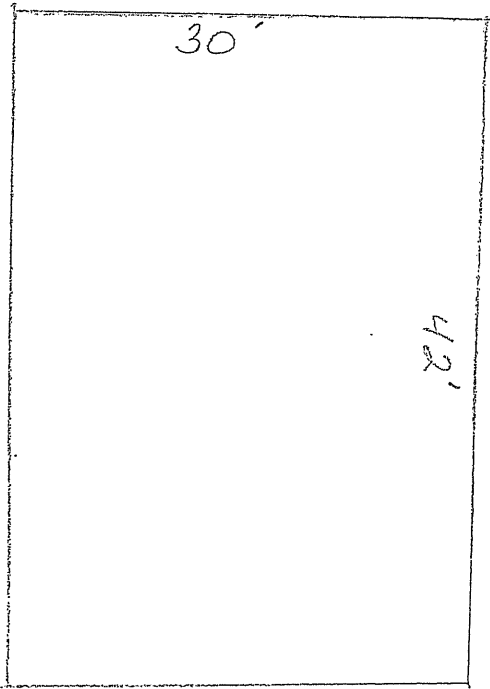


This instrument prepared by:

|           |                                                     |
|-----------|-----------------------------------------------------|
| (Name)    | <u>Edward W Johnson</u>                             |
| (Address) | <u>Johnson Carroll Norton Kent &amp; Goedde, PC</u> |
|           | <u>2230 E Franklin St – PO Box 6016</u>             |
|           | <u>Evansville, IN 47719-0016</u>                    |
| (Phone)   | <u>812-425-4466</u>                                 |

Helgrick Ave

Brooklyn Ave



Proposed  
X

2' → 1" = 12'

N 11

VERIFIED PETITION FOR REZONING

2014-31

PC

ORDINANCE NO.  
COUNCIL DISTRICT:

R- 2014-26  
Ward 6 – Al Lindsey

|                 |                                           |          |                      |
|-----------------|-------------------------------------------|----------|----------------------|
| PETITIONER      | <u>Rebecca L Craft</u>                    | PHONE    | <u>812-549-5433</u>  |
| ADDRESS         | <u>4112-4114 Broadway Ave, Evansville</u> | ZIP CODE | <u>47712</u>         |
| OWNER OF RECORD | <u>Rebecca L Craft</u>                    | PHONE    | <u>812- 549-5433</u> |
| ADDRESS         | <u>1710 S Red Bank Rd, Evansville</u>     | ZIP CODE | <u>47712</u>         |

- Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Municipal Code of Evansville.
- Premises affected are on the S side of Broadway Ave a distance of 0 feet E (N.S.E.W.) of the corner formed by the intersection of Broadway Ave and Helfrich Ave.

Registered Neighborhood Association (if applicable) Westside Improvement Association.

LEGAL DESCRIPTION:

SUBDIVISION Industrial Addition BLOCK 17 LOT NO. 1 and 2  
(where applicable - if not in a subdivision, insert legal here or attach to ordinance)

3. The commonly known address is 4112-4114 Broadway Ave, Evansville.

4. The real estate is located in the Zone District designated as C-1.

5. The requested change is to (Zone District) C-4.

6. Present existing land use is cleaning services.

7. The proposed land use is heating & air conditioning repair.

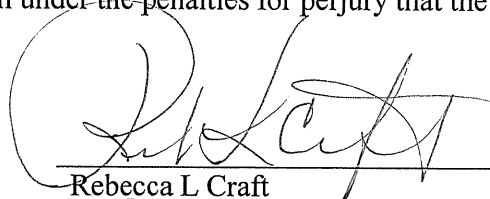
8. Utilities provided: (check all that apply)  
City Water x Electric x Gas x Storm Sewer         
Sewer: Private        Public x Septic       .

9. All attachments are adopted by reference.

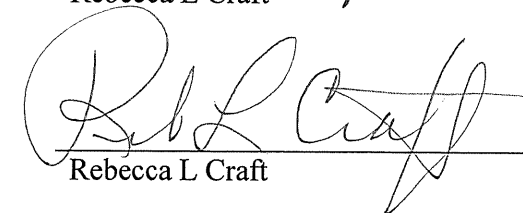
10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE  
(when signed): 10/30/14 PETITIONER:  
PRINTED NAME

  
Rebecca L Craft

DATE  
(when signed): 10/30/14 OWNER OF  
RECORD:  
PRINTED NAME

  
Rebecca L Craft

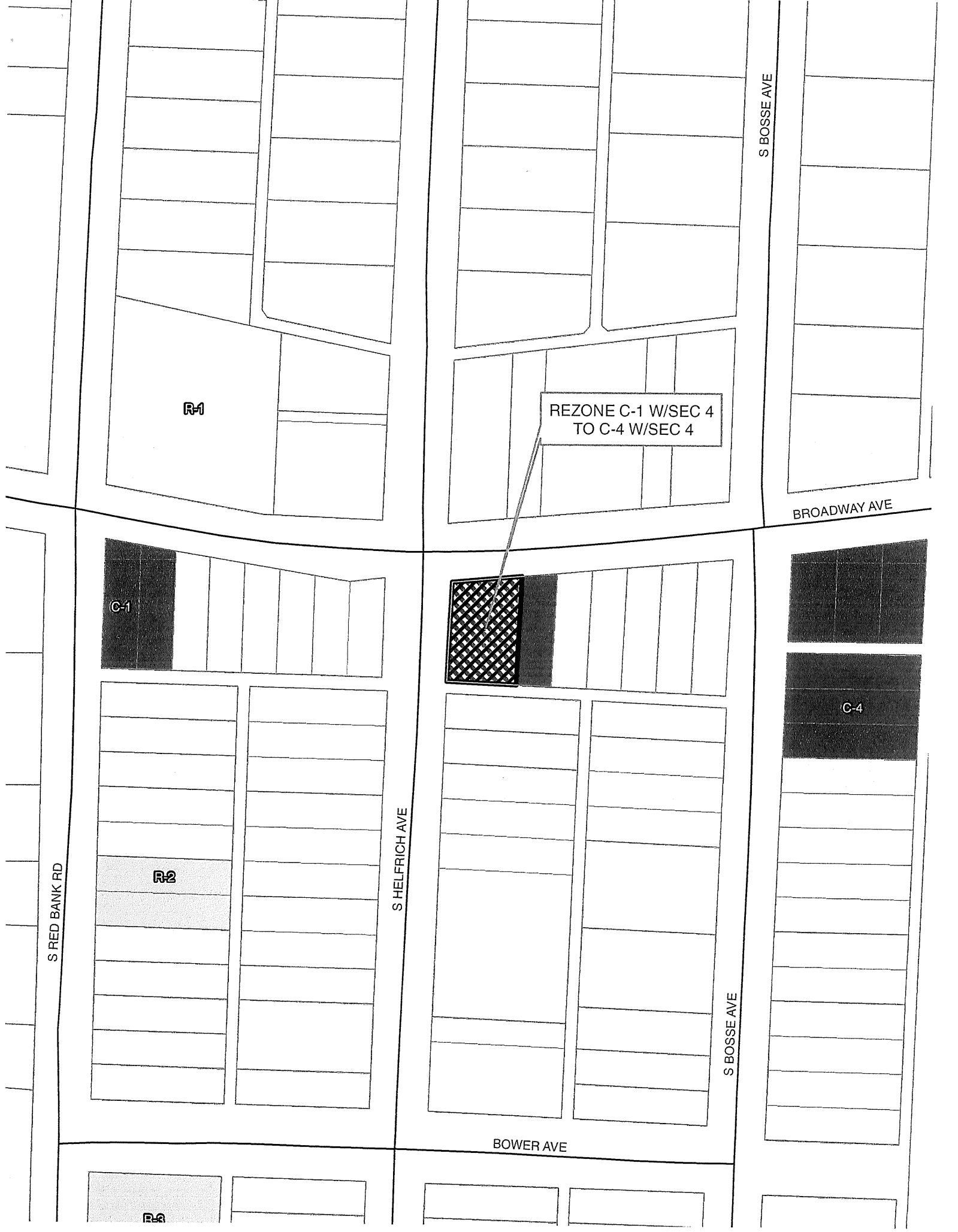
REPRESENTATIVE FOR PETITIONER

NAME: Edward W Johnson  
ADDRESS: Johnson Carroll Norton Kent & Goedde, PC  
2230 W Franklin St, PO Box 6016  
CITY/STATE/ZIP Evansville, Indiana 47719-0016  
PHONE: 812-425-4466

**FILED**

NOV 07 2014

  
CITY CLERK



REZONE C-1 W/SEC 4  
TO C-4 W/SEC 4

C-1

R-2

R-3

C-4